

## REMARKS

This Response is to the final Office Action dated September 15, 2010 and is submitted in furtherance of the telephone interview conducted on December 1, 2010. Claims 2, 3, 7, 13, 17 and 32 were previously canceled without disclaimer. Claims 1, 16 and 30 have been amended herein. No new matter has been added by these amendments. Support for these amendments is found at least at paragraphs [0195], [0231], [0294], [309], [0352], [0389], [0397], [0404], [0407], [0456], [0467], [0474]-[0479], [0488], [0491]-[0493], [0499], [0505]-[0510] and [0525] of the present application. Please charge Deposit Account No. 02-1818 for any fees due in connection with this Response.

In the Office Action, claims 1, 4 to 6, 8 to 12, 14 to 16, 18 to 31 and 33 to 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,408,330 to De La Huerga et al. ("*De La Huerga*") in view of U.S. Patent No. 6,241,704 to Peterson, et al. ("*Peterson*"). Applicants respectfully traverse this rejection for the reasons below.

During the December 1, 2010 interview, Applicants' representative and the Examiner discussed proposed amendments to clarify the term "piggyback." After joint discussion and review of the specification and the applied art including *Peterson*, the Examiner generally agreed that amending the claims as in this Response to clarify what is meant by the term "piggyback" would render the subject rejection moot and place the application in condition for allowance.

For example, the method of amended claim 1 includes initiating a comparison of ***piggyback operational parameters for delivery of a second fluid in addition to a first fluid*** sent from the medical device and at least a portion of the order via the input device of the remote computer and after initiating the comparison of the piggyback operational parameters, the first computer comparing at least one of the piggyback operational parameters sent from the medical device to the portion of the order. Page 4 of the Office Action stated that these steps (prior to the present clarifying amendment) are disclosed respectively at column 23, lines 54 to 64 and column 2, lines 14-24 of *Peterson*. Column 23, lines 54 to 64 of *Peterson* generically indicates that *Peterson* is directed to systems and methods for communication between two drug pumps or between a drug pump and a computer. Column 2, lines 14 to 24 of *Peterson* discusses advantages of using a digital simultaneous voice data modem during pump to pump communications and a pump connected to a stand-alone printer. As the Examiner and

Applicants' representative discussed and agreed, these passages have nothing to with *piggyback operational parameters for delivery of a second fluid in addition to a first fluid*. Similar amendments were made to independent claims 16 and 30.

*De la Huerga* does not remedy the deficiencies of *Peterson*. That is, *De la Huerga* also fails to disclose the method of claim 1 as presently presented including initiating a comparison of piggyback parameters for delivery of a second fluid in addition to a first fluid sent from a medical device and at least a portion of an order via an input device of a remote computer. Applicants accordingly respectfully submit that independent claim 1 as presently presented and its respective dependent claims 4 to 6 and 8 to 12 are patentably distinguished over *De la Huerga* and *Peterson*.

Independent claims 16 and 30 as presently presented include similar elements to amended independent claim 1. Applicants accordingly respectfully submit that for at least the same reasons given above with respect to independent claim 1, independent claims 16 and 30 and their respective dependent claims 18 to 29, 31 and 33 to 35 are also patentably distinguished over *De la Huerga* and *Peterson*.

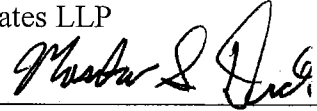
Applicants also respectfully submit that at least dependent claims 21 and 22 are further distinguished over *De la Huerga* and *Peterson*. Regarding claim 21, the Office Action cites to column 1, lines 36 to 47 and column 9, lines 42 to 49 of *De La Huerga* as disclosing linking a pumping channel with a patient identifier and an order identifier. Column 9, lines 42 to 49, merely refers to a patient identification bracelet having information which can be transmitted to an information collection unit. Nowhere does this passage disclose linking a pumping channel with a patient identifier and an order identifier. Column 1, lines 36 to 47 is likewise deficient and does not disclose linking any pumping channels to a patient identifier and an order identifier.

Regarding Claim 22, the Office Action again cites to column 1, lines 36 to 47 and column 9, lines 42 to 49 of *De La Huerga* for the alleged disclosure of *precluding* a comparison of the data transmitted from the medical device to the data in the order where a link between the patient identifier and the order identifier is not established. Applicants respectfully submits that these passages do not disclose *precluding* anything.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,  
K&L Gates LLP

BY



Matthew S. Dicke

Reg. No. 58,819

Customer No. 29200

(312) 578-5415

Dated: December 15, 2010